

APPEAL NO. 040996
FILED JUNE 14, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on March 30, 2004. The hearing officer resolved the disputed issues by deciding that the respondent (claimant) sustained a compensable injury on _____, to the L5-S1 intervertebral level of her lumbar and lumbosacral spine, which involved, extended to, and included a disc herniation and extrusion that impinges on the right side thecal sac and nerve root at that level; and that the claimant had disability from December 9 through December 25, 2002, and again from February 4 through April 15, 2003. In its appeal, the appellant (self-insured) argues that the hearing officer's injury, extent-of-injury, and disability determinations are supported by insufficient evidence, or alternatively, are contrary to the great weight and preponderance of the evidence. The claimant responded, urging affirmance.

DECISION

Affirmed.

The hearing officer did not err in making his injury, extent-of-injury, and disability determinations. Those issues presented questions of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the trier of fact, the hearing officer resolves the conflicts and inconsistencies in the evidence and decides what facts the evidence has established. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The hearing officer was persuaded that the claimant sustained her burden of proving that she sustained an injury as a result of twisting to place a portable commode in the shower facility; that her compensable injury included a disc herniation and extrusion of the disc at the L5-S1 level of her lumbar spine that impinges on the right side thecal sac and nerve root at that level; and that she had disability from December 9 through December 25, 2002, and again from February 4 through April 15, 2003. The factors emphasized by the self-insured in challenging those determinations on appeal are the same factors it emphasized at the hearing. The significance, if any, of those factors was a matter for the hearing officer in resolving the issues before him. Nothing in our review of the record reveals that the challenged determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to reverse the injury, extent-of-injury, and disability determinations on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **(a certified self-insured)** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEMS
350 NORTH ST. PAUL
DALLAS, TEXAS 75201.**

Margaret L. Turner
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Veronica L. Ruberto
Appeals Judge